

No.

200400235



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Texas Tech University and
Halliburton Energy Services, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR PROPAGATING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED IN THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF SEEDS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

GUAR

'Matador'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this twenty-third day of March, in the year two thousand and five.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service


Secretary of Agriculture

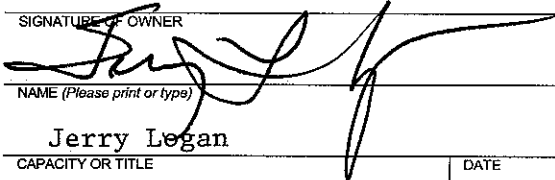
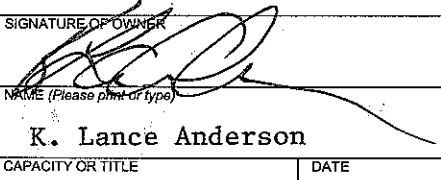


U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER (1) Texas Tech University and (2) Halliburton Energy Services, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME HES 1205		3. VARIETY NAME Matador	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) (1) Texas Tech University, Lubbock, TX 79409-2007 USA (2) Halliburton Energy Services, Inc. 2600 So. 2nd Street, Duncan, OK 73533 USA		5. TELEPHONE (include area code) (580) 251-3125		FOR OFFICIAL USE ONLY PVPO NUMBER 200400235 FILING DATE 06/03/2004	
		6. FAX (include area code) (580) 251-3917			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) (1) State University (2) Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION DE		9. DATE OF INCORPORATION July 1, 1924	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Robert A. Kent Halliburton Energy Services, Inc. 2600 So. 2nd Street, Duncan, OK 73533 K. Lance Anderson Texas Tech University, Lubbock, TX 79409-2007				FILING AND EXAMINATION FEES: \$ 3652. DATE 06/03/2004 CERTIFICATION FEE: \$ 432.00 DATE 09/20/2004	
11. TELEPHONE (include area code) (580) 251-3125		12. FAX (include area code) (580) 251-3917		13. E-MAIL Robert.Kent1@Halliburton.com	
14. CROP KIND (Common Name) Legume		16. FAMILY NAME (Botanical) Fabaceae		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP Cyamopsis tetragonoloba (L.) Taub		17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)				20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input checked="" type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input type="checkbox"/> NO (If "no", go to item 23) 21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input checked="" type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input checked="" type="checkbox"/> CERTIFIED 22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input checked="" type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input checked="" type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)				24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER 			SIGNATURE OF OWNER 		
NAME (Please print or type) Jerry Logan			NAME (Please print or type) K. Lance Anderson		
CAPACITY OR TITLE Vice President-Strategic Technology			CAPACITY OR TITLE University Counsel		

(See reverse for instructions and information collection burden statement)

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be **received** in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to **reproduce** the variety, or for tuber reproduced varieties verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$3,652 (\$432 filing fee and \$3,220 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$432 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvpo/pvpindex.htm>

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that name has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, 10301 Baltimore Avenue, Suite 401 NAL Building, Beltsville, MD 20705. Telephone: (301) 504-5682 <http://www.ams.usda.gov/lsg/seed.htm>.

ITEM

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) evidence of uniformity and stability; and (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
 - (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

23. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

24. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

EXHIBIT A

VARIETY NAME: HES 1205

Genealogy

Origin PI 340246, introduced from New Delhi, India, 1910.

Breeding History

PI 340246 was planted in the plot number 1610 summer 1998 at Texas Tech University (TTU) Erskin Research Farm. TTU field evaluation identified this introduction as a branching type line, uniform in morphology, late maturity, with high seed yield. Individual plants were selected based upon plant type and seeds were harvested separately. Gum testing (protocol confidential) identified plants with gum content higher than 38.1%. Two space plants were selected and seeds were harvested separately, forming the breeding lines 1610-1 and 1610-2.

In 1999, seeds of 1610-1 and 1610-2 were sown separately as high gum selections in randomized complete block designs with four replications at two locations: TTU Erskin Research Farm and New Deal Research Farm. The breeding lines were evaluated during the growing season with the commercial varieties 'Kinman' and 'Lewis' as controls. The 1610-1 plot was highly uniform in morphology, matured later than 'Lewis' and 'Kinman', high seed yield, tolerant to virus and bacterial diseases. This line is designated as 'HES 1205'. Seeds within a plot were bulk harvested.

In 2000 and 2001, 'HES 1205' was planted in variety comparison nurseries in randomized complete block designs with four replications (with Lewis and Kinman as controls). Agronomic data were taken. Seed yield was evaluated. Gum content was checked following the same protocol as in 1998. Seeds within a plot were bulk harvested. A large plot of 'HES 1205' was planted under isolated conditions for seed increase, yielding 90 pounds.

Statement of Uniformity and Stability

'HES 1205' has been reproduced and judged stable for the past three generations. Variety 'HES 1205' is uniform for all traits as described in Exhibit C (Objective Description of Variety). 'HES 1205' shows no variants other than what would normally be expected due to environment.

EXHIBIT B**VARIETY NAME: HES 1205****Statement of Distinctness**

'HES1205' is a late line, maturing about 130 days after planting (June1), compared to a 100-day maturity for the four commercially available varieties 'Lewis', 'Kinman', 'Santa Cruz', and 'Esser'. A mid-October harvest date fits the growing season on the South Plains. Variety 'HES 1205' differs significantly from the above four commercial varieties: 'HES 1205' exhibiting pubescent leaf surface, whereas the four commercial varieties have glabrous leaf surface.

'HES 1205' exhibited tolerance to viral and bacterial diseases, high seed yield, pubescent leaf surface, branching-type growth, plant height 92.93cm, non-lodging, long pods (5.72cm) and medium size seeds (8.47g/100 seeds). Seed yield of 'HES 1205' was compared with commercial varieties of 'Kinman' and 'Lewis' at Erskin and New Deal farms. The seed yield of variety 'HES 1205' was 32.22% greater than that of Lewis and 83.24% greater than that of Kinman on the three year average.

A comparison of characteristics of 'HES 1205', 'Lewis' and 'Kinman' is summarized in the table attached.

EXHIBIT C
(GUAR)

OBJECTIVE DESCRIPTION OF VARIETY
Guar (*Cyamopsis tetragonoloba* (L.) Taub)

NAME OF APPLICANT (S) TEXAS TECH UNIVERSITY and Halliburton Energy Services, Inc.	VARIETY NAME OR TEMPORARY DESIGNATION HES 1205
ADDRESS (Street and No, City, State, and Zip code) Mr. K. Lance Anderson Ph: 806 742 4103 Licensing Specialist Fax: 806 742 4102 Technology Transfer and Intellectual Property Texas Tech University Lubbock TX 79409-2007	FOR OFFICIAL USE ONLY PVPO NUMBER 200400235

COMPARISON VARIETY - For Use Below

1. Variety Lewis2. Variety Kinman

PRIMARY AREA OF ADAPTATION

6

1 = Northwest 2 = Northcentral 3 = Northeast

4 = Southeast 5 = Southwest 6 = Southern Plains

7 = Intermountain

MATURITY (Fall, at >95% seeds ready to harvest after planting)

1 3 0 Days**3 0**Days later than **1****3 0**Days later than..... **2**

} Comparison variety

GROWTH HABIT (at 50% bloom)

3

1 = Erect 2 = Basal Branching (Lewis) 3 = Branching (Kinman)

PLANT DIMENSIONS (at 50% bloom)

9 2 . 9

cm high

1 9 . 3**1**

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1 9 . 2

cm taller than

height same as

cm taller than

2

Comparison variety

Comparison variety

2

Type: 1 = Determinate 2 = Indeterminate (Lewis and Kinman)

LEAVES

3

Shape: 1 = Linear 2 = Oblong 3 = Obovate 4 = Other (specify) _____

3

Surface: 1 = Glabrous (Lewis and Kinman) 2 = Slightly pubescent 3 = Pubescent

1

Color: 1 = Blue-green 2 = green 3 = light green (Lewis and Kinman)

RACEME

1

1 = Continuous (Lewis and Kinman)

2 = Discontinuous

PODS

0

% Shattering (at harvest): 1 = low (1-10%) 2 = Medium (11-30%)

3 = High (>30%)

Lower than

Same as

Higher than

1

Comparison Variety

5 . 7 2

mm long

0 . 2 6

mm longer than.....

1

Length same as

mm longer than.....

2

Comparison Variety

8 . 4 7

Seeds/Pod

1 . 0 1

More than.....

1

Same as

More than

2

Comparison Variety

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SEED

2

Shape: 1 = Oval 2 = Round (Lewis and Kinman) 3 = Other (specify) _____

2

Color: 1 = Peach 2 = Light gray (Lewis and Kinman) 3 = Gray
4 = Dark purple

3 . 6 2

Gram per 100 seeds

0 . 0 3

Grams lighter than

1

Weight same as

Comparison Variety

0 . 0 8

Grams heavier than

2

CHEMICAL COMPOSITION (One month after harvest)

Gum content (fg%)

Applicant

3 5 . 1

Lewis

3 5 . 8

Kinman

3 6 . 0

DISEASE AND INSECTS

Virus (%)

Applicant

1 . 5

Lewis

0 . 0

Kinman

2 2 . 9

Bacterial wilt (rating)

Applicant

2 6

Lewis

3 0

Kinman

4 7

200400235

Alternaria leafspot (%)Applicant

0	.	0
---	---	---

Lewis

0	.	0
---	---	---

Kinman

0	.	0
---	---	---

Powdery Mildew (%)Applicant

0	.	0
---	---	---

Lewis

0	.	0
---	---	---

Kinman

0	.	0
---	---	---

YIELD (lbs per acre)Applicant

1	4	4	8
---	---	---	---

Lewis

1	0	2	5
---	---	---	---

Kinman

	8	2	9
--	---	---	---

ADDITIONAL DESCRIPTION (Use additional sheets as required)

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

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EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) (1) Texas Tech University and (2) Halliburton Energy Services, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER HES 1205	3. VARIETY NAME Matador
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) (1) Texas Tech Univ., Lubbock, TX 79409-2007 (2) Halliburton Energy Services, Inc. 2600 So. 2nd Street, Duncan, OK 735386 <i>WHL 9/22/04 WHL</i>	5. TELEPHONE (Include area code) (580) 251-3125	6. FAX (Include area code) (580) 251-3917
7. PVPO NUMBER 200400235		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO

10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☒ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

The Matador seed was developed under a Halliburton funded research grant to the University by employees of the original owners Texas Tech University and Halliburton Energy Services, Inc.

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

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